

Article - Insurance

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§15–1106.

- (a) (1) In this section the following words have the meanings indicated.
 - (2) “Carrier” means:
 - (i) an insurer;
 - (ii) a nonprofit health service plan; or
 - (iii) a health maintenance organization.
 - (3) “Evidence of individual insurability” has the meaning stated in § 15–1105 of this subtitle.
 - (4) “Health benefit plan” has the meaning stated in § 15–1301 of this title.
- (b) If a carrier conditions coverage for a health benefit plan on evidence of individual insurability, the carrier may not rescind a contract or a certificate on the basis of written information submitted on or with, or omitted from, an application for the health benefit plan unless the carrier completed medical underwriting and resolved all reasonable medical questions related to the written information submitted on or with, or omitted from, the application before issuing the health benefit plan.
- (c) The carrier shall have the burden of persuasion that its rescission of a health benefit plan complies with subsection (b) of this section.

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